

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

GEORGIOS DIAMANTOPOULOS,

)

8:15CV114

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Plaintiff,

)

)

V.

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MEMORANDUM AND ORDER

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STATE OF NEBRASKA, (N.D.C.S.),

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Defendant.

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This matter is before the court on Plaintiff Georgios Diamantopoulos's¹ ("Plaintiff") Motion for Leave to Proceed in Forma Pauperis ("IFP"). (Filing No. 5.) Plaintiff is incarcerated at the Tecumseh State Prison in Tecumseh, Nebraska. Plaintiff is an experienced pro se litigant with an extensive history of filings in this Court. As set forth in the Prison Litigation Reform Act, a prisoner cannot:

[B]ring a civil action . . . or proceeding [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. §1915(g).

This Court's records reflect that Plaintiff has been barred from proceeding IFP by 28 U.S.C. § 1915(g). Plaintiff has, on at least three prior occasions while incarcerated, brought cases that were dismissed on the grounds that they were frivolous or failed to state a claim upon which relief may be granted. See, e.g., *Rehbein v. Nelson, et al.*, Case No.

¹ Georgios Diamantopoulos, whose inmate number is 35084, is also known as Cary Rehbein and Yourgos Diamantopoulos in this Court's records.

4:95-cv-03157-RGK (D. Neb. filed May 2, 1995) (dismissed as frivolous on Aug. 18, 1995); *Diamantopoulos v. Director of Corrections, et al.*, Case No. 4:05-cv-03097-LES-PRSE (D. Neb. filed Apr. 2, 2005) (dismissed for failure to state a claim on May 13, 2005); and *Diamantopoulos v. State of Nebraska et al.*, 8:07-cv-00031-JFB-PRSE (D. Neb. filed Jan. 22, 2007) (dismissed for failure to state a claim on Oct. 14, 2008).

In light of the foregoing, the Court will give Plaintiff 30 days in which to show cause for why this case should not be dismissed pursuant to the provisions of 28 U.S.C. 1915(g). In the alternative, Plaintiff may pay the full \$400.00 filing and administrative fees. In the absence of good cause shown, or the payment of the necessary fees, this action will be dismissed. Accordingly,

IT IS ORDERED:

1. Plaintiff has 30 days to either show cause for why this case should not be dismissed pursuant to 28 U.S.C. § 1915(g) or pay the Court's \$400.00 filing and administrative fees.
2. The Clerk's Office is directed to set a pro se case management deadline in this matter with the following text: May 25, 2015: deadline for Plaintiff to show cause or pay fees.

DATED this 22nd day of April, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge